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# Safe Nuclear Energy

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OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

555 CAPITOL MALL, SUITE 550  
SACRAMENTO 95814

**FILED**

In the office of the Secretary of State  
of the State of California

MAR 11 1974

EDMUND G. BROWN Jr., Secretary of State

*[Signature]*  
Deputy Secretary of State

March 5, 1974

Honorable Edmund G. Brown, Jr.  
Secretary of State  
111 Capitol Mall  
Sacramento, California 95814

Re: Initiative - Statutory Amendment  
Safe Nuclear Energy

Dear Mr. Brown:

Pursuant to the provisions of section 3507 of the Elections Code, you are hereby informed that on this day we mailed to Alvin Duskin and Richard B. Spohn as proponents, the following title and summary:

NUCLEAR POWER PLANTS--RESTRICTIONS ON CONSTRUCTION AND OPERATION. INITIATIVE. Prohibits construction of nuclear power plants unless: (1) after one year the liability limits imposed by federal government are removed, and (2) after five years the Legislature, by two-thirds vote, confirms effectiveness of safety systems and waste disposal methods. If both above conditions are not met within five years, existing power plants shall be derated at 10% per year from original licensed capacity. If liability limits not removed within one year, existing power plants shall operate at 60% capacity or less. Does not apply to small-scale medical or experimental nuclear reactors. If the proposed initiative is adopted there will be no substantial increase in state operating costs. However, if the initiative restricts the operation of existing nuclear power plants there is a potential for substantial damage claims against the state by the owners of the plants.

Enclosed herewith is a declaration of mailing thereof, and a copy of the proposed measure.

Very truly yours,

EVELLE J. YOUNGER  
Attorney General

*[Signature]*  
J. M. SANDERSON  
Deputy Attorney General

JMS:PH

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

Sec. 1. Title 7.8 (commencing with Section 67500) is added to the Government Code, to read:

TITLE 7.8 LAND USE AND NUCLEAR POWER PLANT SAFETY

67500. This title shall be known and may be cited as the Safe Nuclear Energy Act.

67501. The people and the State of California hereby find and declare that nuclear power plants have a profound effect on the planning for, and the use of, large areas of the state, as do the manufacture, transportation, and storage of nuclear fuel, and the transportation, reprocessing, storage, and disposal of radioactive materials from nuclear power plants.

67502. The people further find and declare that substantial questions have been raised concerning the effect of nuclear fission power plants on land use and land use planning, as well as on public health and safety; for example, including but not limited to, the reliability of the performances of such plants, with attendant economic security, health, and safety results; the reliability of the emergency core cooling systems for such plants; the security of such plants, and of systems of transportation, reprocessing, and disposal or storage of wastes from such plants from earthquakes, acts of God, theft, sabotage, and the like;

and the state of knowledge regarding ways to store safely the radioactive waste products from nuclear fission for the necessary thousands of years.

67503. Nuclear fission power plants and related facilities and activities shall be permitted land uses in the State of California and considered to be reasonably safe and susceptible to rational land use planning, and may be licensed by state or local agencies, and may be constructed in the state only if all of the following conditions are met:

(a) after one year from the date of the passage of this measure, the liability limits imposed by the federal government are removed, as determined by a California court of competent jurisdiction, subject to the normal rights of appeal, to permit full compensation of the people and businesses of California in the event of personal injury, property damage, and economic losses resulting from escape or diversion of radioactive materials at the site of any nuclear fission power plant, and from escape or diversion of radioactive materials in the transportation, reprocessing, and storage or disposal of such materials from such plants; and

(b) after five years from the passage of this measure, if the preceding condition has been met and

(1) the effectiveness of all safety systems, including but not limited to the emergency core cooling system, of any nuclear fission power plant operating or to be operated in the State of California is demonstrated, by testing substantially similar systems, to the satisfaction of the Legislature, subject to the procedures specified in Section 67506; and

(2) the radioactive wastes from such plants can be stored or disposed of during the period in which the waste material remains harmfully radioactive with no reasonable chance, as determined by the Legislature, subject to the procedures specified in Section 67506, of intentional or unintentional escape into the natural environment which will eventually adversely affect the land and the people of the State of California, whether due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war, governmental instabilities, or whatever other sources the Legislature may deem to be reasonably possible.

67504. (a) If the liability limits imposed by the federal government are not removed within one year from

date of the passage of this measure to permit full compensation of the people and the businesses of the State of California as specified in subsection 67503(a), then all existing nuclear fission power plants and such plants under construction shall be operated at no more than sixty per cent of their licensed capacity.

(b) Beginning five years from the date of the passage of this measure, existing nuclear fission power plants and such plants under construction shall be derated at the rate of 10 per cent per year of original licensed capacity unless all of the conditions enumerated in Section 67503 are met.

67505. The provisions of Sections 67503 and 67504 shall not apply to small-scale nuclear fission reactors used exclusively for medical or experimental purposes.

67506. The determinations of the Legislature made pursuant to subsection 67503(b) shall be made only after sufficient findings and only by a two-thirds vote of each house.

(a) To advise it in these determinations, the Legislature may appoint a scientific advisory group, comprised of distinguished experts in the fields of nuclear engineering, land use planning, cancer research, security systems, public health, geology, seismology, energy resources, liability insurance, and other related fields. Members of this scientific advisory group shall represent the full range of opinion on the relevant questions. The group shall solicit opinions and information from responsible

interested parties, and shall make public a final report, including a minority report if necessary, containing findings, conclusions, and recommendations.

To ensure full public participation in the determinations specified in subsection 67503(b), the Legislature shall hold open and public hearings, within a reasonable time after the publication of the report specified in subsection (a) of this Section, and before making its findings, giving full and adequate notice, and an opportunity to testify and cross-examine witnesses to all interested parties and to the general public, within reasonable limits of time.

(c) All documents, records, studies, analyses, and the like submitted to the Legislature in conjunction with its determinations specified in subsection 67503(b), or to the scientific advisory group described in subsection (a) of this Section, shall be made available to the general public.

67507. (a) The Governor shall annually release to the news media and to the appropriate local officials of affected communities the evacuation plans specified in the licensing of each nuclear fission power plant.

(b) The Governor shall propose procedures for annual review by state and local officials of established evacuation plans,

with regard for, but not limited to such factors as changes in traffic patterns, population densities, and new construction of schools, hospitals, industrial facilities, and the like. Opportunity for full public participation in such reviews shall be provided.

Sec. 2. Amendments to this measure shall be made only by a two-thirds affirmative vote of each house of the Legislature, and may be made only to achieve the objectives of this measure.

Sec. 3. If any provision of this measure or the application thereof to any person or circumstances is held invalid or preempted by federal law, such invalidity or preemption shall not affect other provisions or applications of the measure which can be given effect without the invalid or preempted provision or application, and to this end the provisions of this measure are severable.

Sec. 4. If any provision of this measure cannot be given full force and effect because it is preempted in whole or part by federal law, that provision shall be treated as a resolution of the people of the State of California, expressing their will regarding the subject matter of the provision.



DECLARATION OF SERVICE BY MAIL

I, Pauline Hutson, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to the within action; my place of employment and business address is: Room 500, Wells Fargo Bank Building, Fifth Street and Capitol Mall, Sacramento, California 95814.

On March 5, 1974, I served the attached  
LETTER TO THE SECRETARY OF STATE

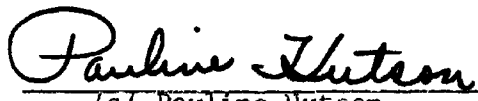
by placing a true copy thereof in an envelope addressed to the persons named below at the address set out immediately below each respective name, and by sealing and depositing said envelope in the United States Mail at Sacramento, California, with postage thereon fully prepaid. There is delivery service by United States Mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed:

Alvin Duskin  
1244 Vallejo Street  
San Francisco

Richard B. Spohn  
10813 Barman Street  
Culver City, CA

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 5, 1974, at Sacramento,  
California 95814.

  
/s/ Pauline Hutson  
Declarant



Office of the Secretary of State  
Edmund G. Brown Jr.

111 Capitol Mall  
Sacramento, California 95814

(916) 445-6371

March 5, 1974

TO THE REGISTRARS OF VOTERS AND COUNTY CLERKS:

Pursuant to Section 3507 of the Elections Code, there is transmitted herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

NUCLEAR POWER PLANTS—  
RESTRICTIONS ON CONSTRUCTION AND OPERATION.  
INITIATIVE.

Circulating and Filing Schedule:

1. Minimum number of signatures required. . . . .325,504  
Constitution IV, 22(b).
2. Official Summary Date. . . . .3/5/74  
Elections Code Section 3507.
3. Petition Sections:
  - a. First day Proponent can circulate Sections for  
signatures. . . . .3/5/74  
Elections Code Section 3507.
  - b. Proponent may file petition sections with the Registrar of Voters  
at any time, and at as many times as he wishes during the 150 day  
period. The Registrar of Voters must determine within 30 days of  
any filing the number of qualified electors who have signed the  
petition. Elections Code Section 3520(a) and (b).
  - c. Each Registrar of Voters where Proponents have filed any section  
of the petition shall transmit his Certificate to the Secretary  
of State. The Certificate is to show the number of valid signa-  
tures determined as of that date. The following are the dates on  
which the Certificates must be sent to the Secretary of State.  
Elections Code Section 3520(c).

60 Day. . . . .	.5/3/74
90 Day. . . . .	.6/3/74
120 Day. . . . .	.7/3/74
140 Day. . . . .	.7/23/74

3. Petition Sections (continued)

- d. Last day Proponent can circulate and file with the County. . .8/2/74  
Elections Code Sections 3507, 3520(a).
- e. Last day for County to transmit Certificate as to number of valid  
signatures on Initiative Petition. . . . .9/2/74

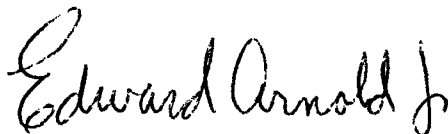
4. Campaign Statements

- a. If the measure does not qualify for the ballot:  
Last day for Proponent to file a Statement of Receipts and  
Expenditures. . . . .9/6/74  
Elections Code Section 11835.
- b. If the measure qualified for the ballot:  
Last day for Proponent to file a Statement of Receipts and  
Expenditures. . . . .10/7/74  
Elections Code Section 11829.  
(If the Secretary of State qualified the measure for the ballot  
on a date other than 9/2/74, the last day is the 35th calendar  
day after the date the measure qualified.)

5. The Proponents of the above measure are:

Alvin Duskin  
1244 Vallejo Street  
San Francisco, CA

Richard B. Spohn  
10813 Barman Street  
Culver City, CA



EDWARD ARNOLD JR.  
Elections Assistant

EA:msl

NOTE: This initiative measure will not qualify in time for the November 1974 election, if the above dates are followed. In order to qualify for the November 1974 election, the above time frame must be shortened so that the Secretary of State certifies the measure for the ballot by June 27, 1974.

PROPOSED FOR DIRECT VOTE OF ELECTORS

Title: NUCLEAR POWER PLANTS - RESTRICTIONS ON CONSTRUCTION & OPERATION

Official Title and  
Summary Date 3-5-74

Date (Not) Qualified 9/12/74  
For Election

Number Signatures Required 325,504

Number Signatures  
Certified 34,526 - 9/17

[illegible]

[illegible]

[illegible]